

REMARKS

Claims 1-6, 8-10, and 12-15 are pending in the Application. Claims 1-6, 8-10, and 12-15 currently stand rejected. Claims 1 and 12 are presently amended and submitted for the Examiner's review. Claims 2 and 15 are canceled by this Amendment. Reconsideration of the Application in view of the following remarks is respectfully requested.

35 U.S.C. §103

In paragraph 2 of the Office Action, the Examiner rejects claims 1-4, 6, 8, 10, 12, 13 under 35 U.S.C. § 103 as being unpatentable over USPN 6,621,256 (hereafter Muratov) in view of USPN 5,604,426 (hereafter Okamura).

Regarding independent claims 1 and 8 the Examiner cites Muratov, and further states that Muratov "does not teach a power module including one or more ultracapacitors." To the extent that Muratov does not teach a module that includes one or more ultracapacitors, Applicant concurs, other than that, Applicant traverses the Examiner's rejection of claims 1 and 8.

Against claims 1 and 8, the Examiner references Muratov and Okamura, and from the combination of references reasons that it would have been obvious "for the benefit of providing a first double layer capacitor connected to the second double layer capacitor so that a short time large output power supply can be derived as required." Applicant traverses this portion of the Examiner's rejection

as well.

As far as understood by Applicant, the Examiner has cited Muratov for the assertion that the ultracapacitors and the switching regulator taught in Okamura could be combined to work with Muratov to provide constant power to charge a power module comprising one or more ultracapacitor.

As far as understood Okamura teaches an ultracapacitor PS-B and an ultracapacitor PS-A selectively used as part of a power supply in a constant load or peak load mode (col. 2, line 5-16). Okamura in Figures 1-4, and col. 6, lines 6-19 describes an ultracapacitor 1 is used with a switching regulator to provide a Vout to a load. In Okamura, the load is described to be part of a device within which the power supply is used. Constant load devices are described to be, for example, constant load devices such as flashlights ... computers ...(col. 6, lines 44-59). Okamura identifies that when ultracapacitors PS-A are used as part of a power supply in such constant load devices, the power supply can be charged more quickly as compared to if a battery was to used with Vin (col. 4, lines 43-44; col. 7, lines 1-12).

Even assuming that Muratov could be combined with Okamura, such teaching would achieve that of only an ultracapacitor based power supply that provides constant power within, or to, a constant load device. Thus, both Muratov and Okamura, alone or in combination, do not teach or suggest that which is described and claimed by Applicant, including that of an arrangement and method of providing constant power for charging a power module comprised of one or more ultracapacitors.

With reference Applicant's claim 8 and now amended claim 1, Applicant is unclear where in the Examiner's citations against claim 8 and now canceled claim 2 Applicant's invention has been taught or suggested. As discussed above, Okamura teaches providing constant power in the context of an ultracapacitor based power supply used in or with constant load devices. As well Muratov teaches DC-to-DC conversion. Neither of these prior art references, alone or in combination, teach or suggest that what is taught by the present invention, which includes providing constant power to charge one or more ultracapacitors.

If the Examiner wishes to maintain a rejection of Applicant's claimed invention, the Examiner is requested to further clarify his reasoning and rejection. Until such time, Applicant is unable to respond to the Examiner's rejections with any further specificity.

Assuming arguendo that Muratov could be modified by the teachings of Okamura, the resultant product would, thus, not teach Applicant's invention, as the Examiner has not provided a teaching or suggestion that shows constant power charging of a power module that includes one or more ultracapacitors. The teaching of Muratov in view of Okamura, therefore does not anticipate Applicant's claimed invention.

With reference to now amended independent claim 12, the Examiner further cites 5,519,307 (hereafter Moon) in combination Muratov and Okamura against now canceled claim 15. Moon also teaches DC-to DC conversion. In view of Moon, Applicant's response to Muratov in view of Okamura above is used and incorporated by reference. If the Examiner wishes to maintain his rejection

against constant power charging of an ultracapacitor based power module, the Examiner is requested to further clarify his reasoning and rejection. Until such time, Applicant is unable to respond to the Examiner's rejections with any further specificity.

5 The burden is on the Examiner to establish a prima case of obviousness under 35 U.S.C. § 103(a). As per MPEP § 2142, “ ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.”


For at least the reasons stated above, the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) as set forth in MPEP § 2142, and Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1, 8, 12 and claims 3-6, 9-10, 13-14 that may depend therefrom.

15 Summary

Applicant submits that the foregoing remarks overcome the Examiner's rejections under 35 U.S.C. § 103(a). Because the cited references and the Examiner's citations thereto do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicant therefore submits that the claimed invention is patentable over the cited art, and respectfully requests the Examiner to allow claims 1, 3-6, 8-10, and 12-14 so that the present Application may issue in a timely manner. If there are

any questions concerning this amendment, the Examiner is invited to contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

5 Date: 21 Oct 05 By: 

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